



## **DRAFT UNTIL APPROVED AT NOVEMBER 2018 MEETING**

### **KENTUCKY DEPARTMENT OF EDUCATION**

#### **State Advisory Council for Exceptional Children**

#### **SUMMARY**

##### **MEMBERS PRESENT:**

Anita Dowd (with interpreters Mary Fehrenbach and Natalie Malone), Julie Rubemeyer, William Greer, Eric Umstead, Amber Barnes, Melissa Knight, Amy Folker, Leisa Hutchison, Tricia Gibbons, Danny Hughes, Kimberly Chevalier, Ravonne Sims, Gretta Hylton, Barry Lee, Brent Hutchinson

##### **MEMBERS ABSENT:**

Anna Light, Donald McCormack, Libby Suttles, Stephanie Knipper, Adria Johnson, Carey Cockerell

##### **SUMMARY:**

**Agenda Item:** Executive Committee Meeting

**Presenter:** Barry Lee

**Summary:** Barry asked members to review the bylaws. The majority of the wording comes directly from executive order. Changes are noted in red on the revised document. An important update is to schedule the review of the annual report after the start of the fiscal year to allow all members an opportunity for input prior to dissemination. A second reading/approval would occur at the November meeting. The outgoing chair will submit the annual report at the last meeting of the fiscal year and the incoming chair will ensure any revisions are made and the report is distributed after approval. Melissa motioned to adjourn. Bill seconded the motion. Adjourned executive session at 8:53 am.

**Action Taken:** Executive committee reviewed the final edits of the bylaws.

**Follow-up Required:** Second reading of the bylaws scheduled for the November agenda.

**Agenda Item:** I. Call to Order

**Agenda Item:** II. Roll Call

**Agenda Item:** III Approval of Minutes

**Summary:** Eric moved to approve. Brent seconded, all voted aye

**Agenda Item:** IV. New Executive Order and Bylaws Update

**Summary:** Article III, clarifying the bodies this council advises, now includes General Assembly, updated language to reflect changes in the executive order. Article IV, membership, updated to changes in executive order. Article VI, officers, executive council discussed the timing of the annual report, changes reflected in minutes of executive session Chair shall ensure immediate past chair submits the annual report for review at the first meeting following the start of the fiscal year with a second reading to be held at the November meeting. Article VIII, miscellaneous provisions, update to language regarding annual report, the annual report is the primary means of contact from this committee to the advisees. Bill voted to approve, Melissa seconded, all approved with a vote of aye

**Agenda Item:** V. SACEC Annual Report First Reading

**Summary:** Major components of the annual report include the appointment of members, discussion of disproportionality and the revision of bylaws. Sylvia Starkey recommended including references to the key responsibilities of the SACEC to ensure the committee is answering to the key deliverables.

**Agenda Item:** VI. Due Process Hearing Decisions

**Presenter:** Sylvia Starkey

**Attachment:** "Dispute Resolution" PowerPoint, 11 pages

**Summary:** Sylvia presented an overview of the mediation process. Kentucky is historically in the bottom 10% for disputes brought to mediation. There are over 104,000 Kentucky students with IEPs and there were only nine requests for mediation in the 2016-17 school year. School districts are required to help families through mediation, which is a fact finding process. Greta stated KDE encourages families to start with their district and then will intervene if they are unable to resolve issues with the school. Families can request the district director of special education be present for ARC meetings and most will attend. Families will typically choose mediation or a hearing rather than progress through both. Forty formal complaints were filed in 2017-18, likely due to the increased visibility of complaint form on website. Supreme Court review of FAPE, de minimis vs. meaningful progress, Kentucky was operated at a high bar/ stringent standards so federal decisions didn't have significant impact on state procedure. Approximately 70, less than 1% of students with IEPs, have an issue resulting in mediation, due process or formal complaint. The top issues were IEP implementation (9), Least restrictive environment (6), FAPE (4), IEP Access (4), PBIS (4). Location of KDE website complaint form - dispute resolution process under exceptional children, anonymous complaints can't go through the process. More than one complaint per district triggers careful monitoring. More than two triggers onsite visits. Independent investigators were positively received

due to their impartiality, careful selected for their knowledge of Kentucky law, landscape, TASE

**Action Taken:** The panel's response was that the process seems very transparent and thorough. Website could be more accessible for families. How can we make the process more approachable for families? Can this be discussed more in ARC meetings? Many families traditionally waive that discussion of rights. Are administrators/ARC meeting leaders typically trained well enough on special ed law? How do we get the training to those individuals? Issues of opening a flood gate. Survey of parents' satisfaction with the ARC process. What percentage complete the survey? How does this compare to district info about complaints filed? Walton Verona asks what parents and educators want to accomplish, writes on white board, then photographed and included in summary. ARC meetings leaders aren't always trained and may struggle with who to invite. SACEC will include a review of cases at each quarterly meeting. Cases would be distributed with agendas prior to each meeting. Should we recommend data collection of student demographics? Many of the issues seem related to communication.

**Follow Up Required:** SACEC will now include case review as a standing agenda item.

**Agenda Item:** VII. LUNCH, will resume at 1:15

**Agenda Item:** VIII. Minimum High School Graduation Requirements & Standards Update

**Presenter:** Gretta Hylton

**Attachment:** "Minimum High School Graduation Requirements" Power Point, 8 Pages

**Summary:** SACEC reviewed the current requirements. Proposed changes include a foundational level and a personalized level. Foundational Level (2 English, 2 Math, 2 Science, 2 Social Studies, 1 Visual Performing Arts, 1/2 PE and 1/2 Health) Personalized Level (2 English, 2 Math, 1 Science, 1 Social Studies, Work Based Learning, Career Pathways) Coursework tailored via the ILP (individualized learning plan), juniors take college entrance exam, end of span exams science and social studies. Academic Transition readiness indicators include ACT benchmarks, dual credit, AP/IB. Career Ready indicators include industry certifications, CTE, dual credit, apprenticeship. ACEC questioned: What is the availability of apprenticeships statewide? How does this affect the ACT benchmarks of students who don't take higher level math? 10,483 Kentucky students identified as MMD (55-70 IQ) What are the possibilities for students who don't qualify for either college or apprenticeships? How many opportunities in rural areas?

**Follow Up Required:** Gretta will research and provide more information in tomorrow's session.

**Agenda Item:** IX. Dual Credit and CTE

**Presenter:** Gretta Hylton

**Summary:** How are CTE compliance with IEPs, is there exclusion of students with disabilities? Craft and Gatton Academies compliance with IDEA - Who provides FAPE? Affects all districts and students who attend local colleges for dual credit. Reciprocal agreement contract between home district and academy? How might this arrangement affect proponents of school choice? Post-secondary institutions aren't required to provide FAPE.

**Agenda Item: X. Recess**

**Summary:** Recess from 3:38 until 6pm (Leisa moved Brent seconded)

**OPEN FORUM:** Seeing no participants the SACEC will recess until tomorrow morning.

**Agenda Item: XI. Opening remarks**

**Summary:** Barry called for comments on annual report, Bill recommends report answer our five deliverables, will be approved at November meeting

**Agenda Item: XII. KDE UPDATE,**

**Presenter:** Gretta Hylton

**Attachment:** "KDE Update", Power Point, 36 pages

**Summary:** Gretta opened with follow up information on yesterday's discussion of proposed high school graduation requirements. Proficiency would be demonstrated via end of span/ end of course examinations, four are required End of span would be multi-course assessment, students will not be pigeon holed. The ACT is now required by Senate Bill 1-2017, regardless of the student's post-secondary plans. SACEC members expressed concerns about availability of apprenticeships in all areas of the state. The high school graduation requirements for college bound students does not align with the Pre College Curriculum required by Kentucky colleges and universities. SACEC members asked to provide feedback regarding the high school graduation requirements and can email their thoughts to Gretta.

Discussion continued with the State of Education Address. Kentucky education policy priorities are 1) achievement gap 2) early learning, 3) high school graduation requirements, 4) skills gap, 5) early postsecondary opportunities, 6) reducing bureaucracy, 7) school/program choice. The #WhatWillYouBeKY? Twitter campaign highlights options for students. The current structure of the KDE is undergoing reorganization. DLS will be elevated to office level and will include special education, school readiness, schools for the blind and deaf. A map of the nine special education cooperatives was presented. OSEP 2018 Part B - 17 states earned "meets requirements" Significant Disproportionality - USED has delayed the required implementation, spring 2019 DLS will be using new system, will be looking at three years of data. The State Performance Plan and Annual Performance Report were reviewed. Chris Thacker reviewed the financial requirements and maintenance of effort to comply with IDEA. Emphasis is not on handing down sanction but on improving services to kids. Barry asked, what is the

role of the SACEC in advising KDE on corrective action plans? Review of cases, monitoring handbook.

**Action Taken:** The SACEC requested data on corrective action plans for districts.

**Follow Up Required:** Annual determinations for districts to be presented at SACEC meetings as a standing agenda item.

**Agenda Item:** XIII, Coop Update

**Presenter:** Latricia Bronger

**Attachments:** “Kentucky Special Education Cooperative Updates, “Power Point, 18 pages, “Kentucky Works,” Power Point, 37 pages

**Summary:** Overview of IDEA grants for the regional coops and their scope of services. Coops participated in train the trainer sessions on explicit instruction and corrective action plans. Co training and cross training personnel to meet the needs of the student, wrap around services. Coop task groups are working with math and literacy consultants. Training on 22 high leverage practices. Mental health support through the Kentucky Aware grant. Coops working on Peer Support Networks with KDE and UK to form genuine relationships for students with significant disabilities. Memorandum of Agreement with OVR for pre-employment transition services. Review of the Kentucky Works training to prepare students with disabilities for work.

**Agenda Item:** XIV. Committee Meetings and Reports

**Summary:** The Communications committee discussed how to get parents to the SACEC open forums. Suggestions included connecting with families through the regional co-ops, holding SACEC forums at schools or the co-ops, promoting upcoming meetings at the annual conference in Louisville. Proposed flyers with SACEC purpose, upcoming meetings dates. Can the communication committee determine a public space for the February Frankfort meeting? Report out in November. Include a flyer in the CEC conference in November.

**Follow Up Required:** Communication committee will determine a public space for the forum at February’s meeting in Frankfort.

**NEXT MEETING:** New process decision for annual reports. Ravonna to report on prisons, and how to link the justice system with special education needs and provide IEP data. People first language presentation from Eric. SACEC members will have time to attend SACEC sessions.

**ADJOURNMENT:** at 11:47, moved by Brent, seconded by Amber.